

UNITED STATES DISTRICT COURT JUN 11 2015

for the

SOUTHERN

David J. Bradley, Clerk

United States of America)

v.)

Case No. M-15-0944-M

BARRON-Garza, Sergio)

Year of birth: 1968)

MX CTZ)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 6/11/2015 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21.841 (a)(1)

Possession with Intent to Distribute
Marijuana, approximately 169.5
Kilograms, a schedule I controlled
substance.

This criminal complaint is based on these facts:

(See Attachment I).

☒ Continued on the attached sheet.

Approved by, David A. Lindemann

Complainant's signature

Joshua Hansen, Special Agent

DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/11/2015

5:04 pm

Judge's signature

City and state: Salinero, TX

Peter Ormsby, US Magistrate Judge

Printed name and title

Attachment I

1. On June 11, 2015, at approximately 7:00 a.m., United States Border Patrol (USBP) Rio Grande City Border Patrol Agents were conducting line watch operations in Salineno, Texas when they were alerted to the activation of a marine sensor near the Rio Grande River. USBP Agents advised and requested assistance from Aerostat 5 (aerial surveillance). Aerostat 5 advised the USBP ground agents that they had observed several subjects walking north from the Rio Grande River carrying bundles of what appeared to be narcotics on their backs.
2. Aerostat 5 then advised the USBP ground agents that the Aerostat operators observed the subjects load the bundles of suspected narcotics into a black Buick Enclave. Aerostat 5 maintained visual surveillance of the black Buick Enclave as it departed the river area traveling north and approach Highway 83 from Salineno and it was driven eastbound on Highway 83.
3. USBP marked units approached the area and as they approached the Buick Enclave the driver of the black Buick Enclave abruptly turned south from Highway 83 onto Old Highway 83 and drove approximately seven hundred and fifty yards before driving off the Buick Enclave off the road way through a fence and onto a ranch property. Aerostat 5 advised the responding USBP agents of the Buick Enclave's location and that the driver had been observed absconding from that vehicle into the brush.
4. USBP agents A. Hamilton and E. Mendoza located the black Buick Enclave and approached the vehicle and located 16 bundles of marijuana wrapped in cellophane, weighing approximately 169.5 kilograms, along with a wet life jacket inside the Buick Enclave.
5. Aerostat 5 then advised USBP Agents Hamilton and Mendoza of the location of the driver and after an aggressive search of the area the agents located Sergio BARRON-Garza (08/28/68) hiding in the brush. The agents observed BARRON-Garza to be sweating and out of breath.
6. USBP Agents transported BARRON-Garza, and the 16 bundles of marijuana, to the Rio Grande City USBP Station. At approximately 8:30 am, BARRON-Garza was read his Miranda Warnings by USBP agents and agreed to answer the agent's questions. BARRON-Garza acknowledged that he had been the driver of the black Buick Enclave but stated that he had been forced to transport the narcotics.
7. At approximately 11:30 a.m., on June 11, 201⁵~~2~~, ^{SSK}DEA Special Agents (SA) Joshua Hansen and DEA TFO (Task Force Officer) Guillermo Guerrero arrived at the Rio Grande City Texas USBP station. At approximately 11:45 a.m. TFO Guerrero read BARRON-Garza his Miranda Warnings and SA Hansen and TFO Guerrero conducted an interview of BARRON-Garza which was recorded by the agents.

8. BARRON-Garza stated that three days prior to his arrest he was abducted from his home in Mier, Tamaulipas, Mexico by a group of armed men and held captive and tortured for three days. BARRON-Garza stated that he was pistol whipped on the head and that he had his left foot's big toe's nail ripped off. BARRON-Garza stated that on the morning of June 11, 2015, he and two other men swam from Mexico across the Rio Grande River into the United States where he was led to the Buick Enclave in a residential area. He stated he was given a cell phone and placed in the driver's seat of the vehicle, which was already loaded with the bundles of marijuana. He was then instructed to drive the vehicle to a gas station in Roma, TX and leave it in the parking lot where it would be picked up by an unidentified male.
9. BARRON-Garza then showed SA Hansen and TFO Guerrero his feet and agents observed that BARRON-Garza's left foot was missing a toe nail from the big toe but that it had healed over and there was no scabbing or bruising to indicate any recent trauma. Agents then also observed BARRON-Garza's head and upper torso and found no bruising, welts, or signs of abuse. Agents did observe scratches on BARRON-Garza's forearms consistent with someone running through an area of thick brush.
10. BARRON-Garza was also found in possession of a black Samsung cell phone which BARRON-Garza first stated was not his phone and was given to him by his captors. He then recanted that statement and acknowledged that the cell phone was his personal phone and gave written consent for agents to search the phone. Agents observed incoming and outgoing call history with numbers that BARRON-Garza advised belonged to his family and girlfriend as well and two numbers saved as Cruz and #7, which BARRON-Garza identified as his captors and the men directing him during the crossing of the Rio Grande River and the transporting of the narcotics.